

Application Serial No. 10/675,322
Reply to March 27, 2006 Office Action

Docket No. 1232-5166

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and the following remarks.

Claim Status

After entry of the foregoing amendments, claims 1 and 4-19 are pending in this application. Claim 1 is amended herein and new claim 19 is added herein. No new matter is added by these amendments.

Response to Restriction Requirement

The Office Action mailed on March 27, 2006 provides that restriction to one of the following inventions is required under 35 U.S.C. §121:

Species I: FIG. 1

Species II: FIG. 8

Applicants provisionally elect for prosecution the invention of Species I (FIG. 1) upon which claims 1 and 4-19 are believed to be readable. Applicants believe that the restriction requirement is improper and therefore makes the above election with traverse.

Applicant respectfully submits that for a restriction requirement to be proper, MPEP §803, is clear that "there are two criteria for restriction between patentably distinct inventions" as follows:

- (1) The inventions must be independent or distinct as claimed; and
- (2) There must be a serious burden on the examiner if restriction is not required . . ." (emphasis added)

Applicants respectfully submit that: all species of restricted claims are properly presented in the same application; undue diverse searching would not be required.

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For the foregoing reasons, it is respectfully submitted that the restriction requirement should be withdrawn and an action on the merits of all the claims is respectfully requested.

CONCLUSION

This application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

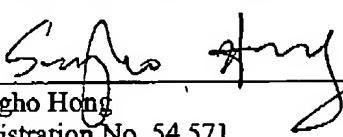
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-5166.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-5166.

Respectfully submitted,
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Dated: April 27, 2006

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